

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MILLARD GUTTER COMPANY, a
Corporation;

Plaintiff,

vs.

SAFECO INSURANCE COMPANY OF
AMERICA,

Defendant.

8:23CV404

ORDER

This matter is before the court on a review of the docket, including Defendant's Notice of Fees and Expenses to be Awarded. ([Filing No. 65](#)).

On October 23, 2024 the assigned magistrate judge¹ awarded attorney's fees and expenses in response to a motion for sanctions for Plaintiff's failure to appear for its deposition and failure to comply with discovery obligations. ([Filing No. 56](#)). Defendant was directed to file an itemized billing statement and Plaintiff's counsel was directed to respond to the itemization on or before November 29, 2024. The order states that if Plaintiff does not timely respond, the fee and expense request would be deemed undisputed. If undisputed, the order directed Defendant to file a notice of the fees and expenses to be awarded. Plaintiff did not respond to the itemized billing statement ([Filing No. 61](#)) and the time for doing so has passed.

Defendant's Notice of Fees and Expenses to be awarded requests the court award Defendant Safeco Insurance Company of America fees and expenses in the amount of \$3,842.86. Defendant further states:

Safeco notes that it appears that Millard is not objecting to an order awarding fees and expenses in the amount of \$3,842.86, in that Safeco's counsel was

¹ United States Magistrate Judge Jacqueline M. DeLuca. This case was reassigned to the undersigned magistrate judge on November 12, 2024. ([Filing No. 58](#)).

contacted by counsel for Millard's prior law firm, the Sodoro Law Group, about payment in this amount, and Safeco's counsel recently received a check in that amount.

Accordingly,

IT IS ORDERED Defendant's Notice of Fees and Expenses is approved. ([Filing No. 65](#)). Upon information from Defendant, Plaintiff has provided Safeco's counsel with a check in the amount of \$3,842.86, satisfying the award of fees and expenses authorized in [Filing No. 56](#).

Dated this 16th day of April, 2025.

BY THE COURT:

s/ Ryan C. Carson
United States Magistrate Judge